

**DURHAM, NORTH CAROLINA
TUESDAY, JANUARY 20, 2004
7:00 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chambers at City Hall with the following members present: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti and Clement. Excused Absence: Council Member Stith.

Also present: City Manager Marcia Conner, City Attorney Henry Blinder, City Clerk D. Ann Gray and Deputy City Clerk Linda Bratcher.

Mayor Bell called the meeting to order with a moment of silent meditation and the Pledge of Allegiance.

The Mayor read a proclamation declaring January 18-24, 2004 as Jaycee Week and a resolution memorializing Coach Russell Evans Blunt.

[EXCUSED ABSENCE]

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Clement to excuse Council Member Stith from the meeting was approved at 7:09 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti and Clement. Noes: None. Excused Absence: Council Member Stith.

Mayor Pro Tempore Cole-McFadden commended the Durham Community MLK Steering Committee, Duke University, Phyllis Colley and the Civil Rights Reunion group for the splendid activities planned in honoring the memory of Dr. Martin Luther King, Jr.

Council Member Clement thanked Duke University for allowing him to participate in the panel discussion last Friday in recognizing the work of Ann Atwater and C. P. Ellis. Also, he paid a tribute to Professor Jerome L. Culp of Duke University and asked his colleagues to extend best wishes to him for restored health as he waits for a kidney transplant.

The Mayor asked for priority items from the City Manager, City Attorney and City Clerk. City Manager Conner noted there is an additional handout for Consent Agenda #17 [HUD Lead Grant for Sub-Recipients and Lead Trainings]; a revised ordinance for GBA #24 [Major Special Use Permit – NCCU Turner Law School Addition] and a memo from Mayor Pro Tempore Cole-McFadden and resolution addressing the compensation issues for the Fire Department for Consent Agenda #29 [Compensation Concerns].

There were no priority items from the City Attorney and City Clerk.

Mayor Bell asked if any citizen(s) or council member(s) wanted to pull any items from the Consent Agenda. Consent Agenda Items 26 [Durham County Habitat for Humanity] and 29 [Compensation Concerns] were pulled.

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Mayor Bell requested that Consent Agenda #18 [Amended Purchase Agreement – UDI/CDC Glendale Avenue Homeownership] be severed in order for him to abstain from voting on this item.

MOTION by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to approve the Consent Agenda as amended was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti and Clement. Noes: None. Excused Absence: Council Member Stith.

[CONSENT AGENDA]

SUBJECT: 2004 LEGISLATIVE PROGRAM

MOTION by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to receive a report from the City Attorney concerning the 2004 Legislative program; and

To approve the 2004 Legislative Program Calendar and the 2004 Legislative Program Areas of Responsibility was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti and Clement. Noes: None. Excused Absence: Council Member Stith.

SUBJECT: APPROVAL OF CITY COUNCIL MINUTES – CITY CLERK’S OFFICE

MOTION by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to approve the City Council minutes for the following meetings; and

December 1, 2003 - Regular Meeting
December 15, 2003 - Regular Meeting
December 15, 2003 - Special Meeting

To approve City Council action taken at the December 4, 2003 and December 18, 2003 City Council Work Sessions was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti and Clement. Noes: None. Excused Absence: Council Member Stith.

SUBJECT: 2003 MUNICIPAL PRIMARY AND MUNICIPAL CITY ELECTIONS AND RECOUNT – DURHAM COUNTY BOARD OF ELECTIONS

MOTION by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to receive a report on the 2003 Municipal Election; and

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To authorize payment in the amount of \$167,018.70 to the Durham County Board of Elections for the City of Durham 2003 Municipal Primary and Municipal City Elections and Recount was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti and Clement. Noes: None. Excused Absence: Council Member Stith.

SUBJECT: CONTRACTS

MOTION by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to authorize the City Manager to execute contracts listed; and

To authorize the City Manager to make changes to contracts on the list before execution as long as the changes do not increase the dollar amount and remain consistent with the general intent of the contracts was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti and Clement. Noes: None. Excused Absence: Council Member Stith.

Contractor	Contract Description	Dept	CT Amt
Timothy Jackson	Sports Official	P&R	\$ 1,500.00
David Ballard	Facility Attendant	P&R	\$ 1,500.00
Durant McCathern	Sports Official	P&R	\$ 1,500.00
Carolyn Davis	Clowning for Children's Programs	P&R	\$ 2,000.00
Donn Aikens	Tennis Camp/Lessons	P&R	\$ 3,000.00
Diane Spangler	Tennis Camp/Lessons	P&R	\$ 400.00
John G. Ott & Associates	City Council Retreat	Budget	\$ 4,900.00
Durham Marriott	Employee Recognition Lunch	HR	\$ 4,559.27

SUBJECT: STREET CLOSING – SET HEARING ON THE CLOSING OF 48.01 FEET OF SHERIDAN DRIVE SOUTHERN TERMINUS (SC03-01)

To adopt a resolution to set the public hearing on the proposed closing of 48.01 feet of Sheridan Drive at its southern terminus for February 2, 2004.

MOTION by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to refer this item back to the administration was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti and Clement. Noes: None. Excused Absence: Council Member Stith.

SUBJECT: STREET CLOSING – SET HEARING ON THE CLOSING OF TRAPP HILL PLACE (SC03-06)

To adopt a resolution to set the public hearing on the proposed closing of 1,125.88 linear feet of Trapp Hill Place for February 2, 2004.

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MOTION by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to refer this item back to the administration was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti and Clement. Noes: None. Excused Absence: Council Member Stith.

SUBJECT: STREET CLOSING – SET HEARING ON THE CLOSING OF AN UNNAMED STREET, WEST OF COLE MILL ROAD (SC03-07)

To adopt a resolution to set the public hearing on the proposed closing of 707.12 linear feet (21,214 square feet) of an unnamed street west of Cole Mill Road for February 2, 2004.

MOTION by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to refer this item back to the administration was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti and Clement. Noes: None. Excused Absence: Council Member Stith.

SUBJECT: STREET CLOSING – SET HEARING ON THE CLOSING OF WATKINS ROAD AT ITS INTERSECTION WITH SOUTHWEST DURHAM DRIVE & WITHERSPOON BOULEVARD (SC03-19)

To adopt a resolution to set the public hearing on the proposed closing of 190.25 linear feet (5,549 square feet) of Watkins Road at its intersection with Southwest Durham Drive and Witherspoon Boulevard for February 2, 2004.

MOTION by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to refer this item back to the administration was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti and Clement. Noes: None. Excused Absence: Council Member Stith.

SUBJECT: WATER AND SEWER EXTENSION AGREEMENT WITH AEGIS GIBSON, LLC - MASSEY CHAPEL ROAD SUBDIVISION

MOTION by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to authorize the City Manager to enter into a Water & Sewer Extension Agreement with Aegis Gibson LLC to serve Massey Chapel Road Subdivision was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti and Clement. Noes: None. Excused Absence: Council Member Stith.

SUBJECT: WATER & SEWER EXTENSION AGREEMENT WITH CIMLAND, LLC - LAUREL VILLAGE SUBDIVISION

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MOTION by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to authorize the City Manager to enter into a Water and Sewer Extension Agreement with Cimland, LLC to serve Laurel Village Subdivision was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti and Clement. Noes: None. Excused Absence: Council Member Stith.

SUBJECT: CLINICAL TRIAL SERVICES US, INC. CONTRACT FOR INCUMBENT WORKER TRAINING COSTS

MOTION by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to authorize the City Manager to execute a contract with Clinical Trial Services (US) Inc. in the amount of \$29,785 for their incumbent worker training costs; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti and Clement. Noes: None. Excused Absence: Council Member Stith.

SUBJECT: EXCESS LIABILITY INSURANCE COVERAGE

To authorize the City Manager to make changes to the City's general plan of insurance, as needed, to purchase excess liability coverage, consistent with the City's overall financial objectives and the recommendation of the City's Broker/Consultant, with an annual premium not to exceed \$550,000.

Note: This item was approved at the 1/8/04 Work Session with a vote of 7/0.

SUBJECT: CHILLER REPLACEMENT AT ARTS COUNCIL - ACORN INDUSTRIAL INC.

MOTION by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to authorize the City Manager to enter into a contract with Acorn Industrial Inc. in the amount of \$345,000.00 to replace and upgrade chiller at Arts Council; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti and Clement. Noes: None. Excused Absence: Council Member Stith.

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**SUBJECT: ABERNATHY PROPERTY ANNEXATION FIRE PROTECTION
CORRECTION (2003-19) – PARKWOOD VOLUNTEER FIRE
DEPARTMENT**

MOTION by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to adopt an ordinance amending City Ordinance 12778 and to offer a partial assumption of debt as prescribed by North Carolina General Statute 160A-31.1 to the Parkwood Volunteer Fire Department, Inc. was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti and Clement. Noes: None. Excused Absence: Council Member Stith.

**SUBJECT: ASBESTOS REMOVAL AND DEMOLITION OF SEVENTEEN
STRUCTURES ON BARNES AVENUE - CITY WIDE
CONSTRUCTION COMPANY**

MOTION by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to authorize the City Manager to enter into a contract with City Wide Construction Company to provide asbestos and demolition services for seventeen (17) structures on Barnes Avenue in an amount not to exceed sixty thousand dollars (\$60,000); and

To authorize the City Manager to modify the contract before execution provided the modifications do not increase the dollar amount of the contract and are consistent with the general intent of the version of the contract approved by City Council was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti and Clement. Noes: None. Excused Absence: Council Member Stith.

**SUBJECT: HUD LEAD GRANT FOR SUB-RECIPIENTS AND LEAD
TRAININGS - DURHAM AFFORDABLE HOUSING COALITION -
NORTH CAROLINA CENTRAL UNIVERSITY (PEACH) -
DURHAM COUNTY HEALTH DEPARTMENT**

MOTION by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to authorize the City Manager to execute contracts in the maximum amount of \$131,500 to Durham Affordable Housing Coalition; and

To authorize the City Manager to execute contracts in the maximum amount of \$206,589 to North Carolina Central University (PEACH); and

To authorize the City Manager to execute contracts in the maximum amount of \$174,719 to Durham County Health Department; and to reach its goals under the HUD grant; and

To authorize the City Manager to modify the contract before execution provided the modifications do not increase the dollar amount of the contract and are consistent with

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the general intent of the version of the contract approved by City Council was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti and Clement. Noes: None. Excused Absence: Council Member Stith.

SUBJECT: EAGLE VILLAGE CDC – MURPHY STREET CONTRACT AMENDMENTS

MOTION by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to authorize the City Manager to extend the term of the two (2) sub-recipient contracts with Eagle Village CDC for infrastructure and landscaping improvements on Murphy Street from December 31, 2003 to December 31, 2004; and

To authorize the City Manager to modify the contract before execution provided the modifications do not increase the dollar amount of the contract and are consistent with the general intent of the version of the contract approved by City Council was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti and Clement. Noes: None. Excused Absence: Council Member Stith.

SUBJECT TRANSIT ADVERTISING SERVICES - KEYSTONE MEDIA - MEDIA TRANSIT

MOTION by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to deny the protest of the Transit Advertising Services Request for Proposal submitted by Keystone Media dated November 19, 2003; and

To award the contract for Transit Advertising Services to Media Transit for a term of five years with a guaranteed annual payment to the City of \$36,000 plus 56% of revenue in the first year and subsequent payments based on a schedule in the contract; and

To authorize the City Manager to modify the contract before execution provided the modifications do not decrease the payments to the City and are consistent with the general intent of the version of the contract approved by City Council was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti and Clement. Noes: None. Excused Absence: Council Member Stith.

SUBJECT: CONTRACT FOR FURTHER EVALUATION AND POSSIBLE REPAIRS TO STORM SEWER PIPES AT FORMER SOUTH SQUARE MALL - DURHAM FCD ASSOCIATES, LLC, TARGET CORPORATION AND SAM'S REAL ESTATE BUSINESS TRUST

MOTION by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to authorize the City Manager to execute the contract for Further Evaluation

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and Possible Repairs to Storm Sewer Pipes at Former South Square Mall with Durham FCD Associates, LLC; and

To authorize the City Manager to execute the Agreement and Covenants Regarding Storm Sewer System Repair and Maintenance with Durham FCD Associates, LLC, Target Corporation and Sam's Real Estate Business Trust; and

To authorize the City Manager to modify the contract or agreement before execution provided the modifications are consistent with the general intent of the version of the contract or agreement approved by City Council was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti and Clement. Noes: None. Excused Absence: Council Member Stith.

**SUBJECT: WORKFLOW AUTOMATION SYSTEM SOFTWARE AND
IMPLEMENTATION CONTRACT - ACS GOVERNMENT
SERVICES INC.**

MOTION by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to adopt an ordinance amending General Capital Improvement Project Ordinance, as amended, by an amount of \$779,855 the same being Ordinance #12816, for the purpose of implementing the One Stop Workflow Automation System; and

To authorize the City Manager to execute a contract with ACS Government Services Inc. for the implementation of a Workflow Automation System (One-Stop Shop) for land development review and approval processes in the amount of \$779,855; and

To authorize the City Manager to modify the contract before execution provided the modifications do not increase the dollar amount of the contract and are consistent with the general intent of the version of the contract approved by City Council was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti and Clement. Noes: None. Excused Absence: Council Member Stith.

Ordinance #12907

SUBJECT: BARNES AVENUE UPDATE

MOTION by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to receive a presentation/update on Barnes Avenue was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti and Clement. Noes: None. Excused Absence: Council Member Stith.

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**SUBJECT: RECOMMENDATION FOR THE CLEAN UP AND
MAINTENANCE OF GEER CEMETERY 800 COLONIAL DRIVE
– TAX MAP 117-01-018 - PARCEL ID 109653 - TROSA**

To authorize the City Manager to enter into a one-year contract with TROSA to do an initial clean up of Geer Cemetery for \$14,260 and provide quarterly maintenance for \$850 per quarter; and

To authorize the City Manager to modify the contract before execution provided the modifications do not increase the dollar amount of the contract and are consistent with the general intent of the version of the contract approved by City Council; and

To authorize the Administration to contact various local organizations and the N. C. Department of Crime Control and Public Safety Community Service Work Program about volunteering to continue the routine, quarterly maintenance of Geer Cemetery, to begin within three months after the one-year contract with TROSA ends.

Note: This item was approved at the 1/8/04 Work Session with a vote of 7/0)

**SUBJECT: EXTENSION OF OPTION FOR THE SALE OF PROPERTY TO
THE DURHAM HOUSING AUTHORITY**

MOTION by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to authorize a six-month extension to the Option for the Housing Authority to purchase 28 properties located in the Edgemont Area, extension period from January 1, 2004 through June 30, 2004, with all the other option terms and conditions remaining the same was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti and Clement. Noes: None. Excused Absence: Council Member Stith.

209 Laurel Street	0 Calvert Place	1003 Ramseur Street
212 Laurel Street	1008 Angier Avenue	1007 Ramseur Street
214 Laurel Street	1010 Angier Avenue	1009 Ramseur Street
218 Laurel Street	1012 Angier Avenue	1103 Ramseur Street
209 Laurel Street	1014 Angier Avenue	1003 Sunshine Lane
1015 Calvert Place	1016 Angier Avenue	1001 Sunshine Lane
1012 Calvert Place	1022 Angier Avenue	206 Stokes Street
1014 Calvert Place	1024 Angier Avenue	1005 Peabody Street
1016 Calvert Place	303 Lyon Street	1105 Peabody Street
1010 Calvert Place		

**SUBJECT: RESOLUTION IN SUPPORT OF AN APPLICATION FOR A
STREAM RESTORATION GRANT – ENO RIVER AT WEST
POINT**

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MOTION by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to adopt a resolution in support of the Stream Restoration Grant for the removal of the causeway in the Eno River at West Point on the Eno Park was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti and Clement. Noes: None. Excused Absence: Council Member Stith.

Resolution #9077

SUBJECT: PROPOSED EMINENT DOMAIN PROCEEDINGS FOR THE HEART OF DURHAM MOTEL PROPERTY - CHARLES RUSSELL WELLONS FOUNDATION - 500 WILLARD STREET

To find that it is necessary, in the public interest, and for the public use and benefit to condemn the property of the Charles Russell Wellons Foundation located at 500 Willard Street; and to authorize the City Attorney to initiate condemnation proceedings for that purpose, with a deposit into court of \$750,000 as the City's estimate of just compensation; and

To rescind the motions adopted at the Work Session on October 23, 2003 that authorized condemnation of this property.

Note: This item was approved at the 1/8/04 Work Session with a vote of 6/0.

SUBJECT: MATCHING FUNDS FOR DISTRICT ATTORNEY GUN PROSECUTOR GRANT

To authorize the City Manager to enter into a contract with the County of Durham, the Durham County District Attorney, and the Administrative Office of the Courts to provide matching funds not to exceed \$15,000 for the contract period of December 1, 2003 - November 30, 2006, to fund a gun crimes prosecutor for the 14th Prosecutorial District; and

To authorize the City Manager to modify the contract before execution provided the modifications do not increase the dollar amount of the contract and are consistent with the general intent of the version of the contract approved by City Council.

Note: This item was approved at the 1/8/04 Work Session with a vote of 6/0.

[ITEMS PULLED FROM CONSENT AGENDA]

SUBJECT: AMENDED PURCHASE AGREEMENT – UDI/CDC GLENDALE AVENUE HOMEOWNERSHIP PROJECT

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MOTION by Council Member Clement seconded by Council Member Catotti to authorize the City Manager to amend the existing Purchase Agreement with UDI/CDC in an amount not to exceed \$400,000, funded from 1996 Housing Bond funds; and

To authorize the City Manager to modify the contract before execution provided the modifications do not increase the dollar amount of the contract and are consistent with the general intent of the version of the contract approved by City Council was approved at 7:21 p.m. by the following vote: Ayes: Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti and Clement. Noes: None. Abstention: Mayor Bell. Excused Absence: Council Member Stith.

SUBJECT: DURHAM COUNTY HABITAT FOR HUMANITY

To receive comments from Bill Wismer on presenting a symbolic check equal to the 2003 property taxes of Durham County Habitat homeowners and to make brief remarks about the program.

Note: This citizen did not appear at the 1/8/04 Work Session.

Bob Calhoun, of Habitat for Humanity, presented Mayor Bell with a symbolic check in the amount of \$113,493 representing 2003 property taxes for Habitat homeowners.

MOTION by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to receive comments from Bob Calhoun on presenting a symbolic check equal to the 2003 property taxes of Durham County Habitat homeowners and to make brief remarks about the program was approved at 7:22 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti and Clement. Noes: None. Excused Absence: Council Member Stith.

SUBJECT: COMPENSATION CONCERNS

As Chair of Personnel Subcommittee, Mayor Pro Tempore Cole-McFadden read her memo provided to Council dated January 16, 2004 concerning compensation concerns.

Budget Director Julie Brenman gave an overview of the proposal recommended by the Personnel Subcommittee highlighting the following: 3% increase for police and fire sworn officers effective March 1, 2004; 1% increase for each non-sworn City employee effective March 1, plus \$250 bonus; reserve funds [\$46,385] for the Carolina Theatre regarding losses that will be sustained while repairs are made during their closing; \$400,000 for police overtime; and to return \$57,532 to fund balance.

Sam Taylor provided Council with a handout, "Petition for Pay Adjustment." He urged Council to: 1) address the need for pay adjustments at Fleet Maintenance, Communication Maintenance and Fire Maintenance; 2) utilize a pay for performance plan; 3) restructure the compensation classification plan to eliminate duplication, i.e., equipment operator 3 and senior equipment operator are both in Band 6; and 4) relate job responsibilities to pay band--senior store keeper and tree trimmer are both in Band 6.

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Melvin Dickens, of Fleet Maintenance, noted he is disappointed with the pay since he has been with the City.

Angelica Stroud, of the Fire Department, spoke in support of 3% increase for the Fire Department.

Bill Towner, of the Fire Department, thanked everyone involved for their efforts in devising a plan to increase their pay.

Craig Roxbury, of Public Works, urged Council to give all employees 3 percent.

Andy Miller, representing PBA, made comments endorsing the proposal as recommended.

Eric Campen, of Crime Scene Unit in Police Department, urged Council to include 13 non-sworn crime scene investigators in the 3% pay increase as proposed for sworn police officers.

City Manager Conner made comments on the recent reclassification review of the Crime Scene Technicians in which they recently moved from Band 8 to Band 9 receiving 5% increase. Also, she noted a pay for performance proposal will be discussed at the February Retreat, the administration will review concerns raised relative to pay adjustments, etc. and the 911 proposal is under review and staff will come back with a recommendation in the spring.

Alethea Williamson-Hardy, of Human Resources, provided Council with background information on the survey conducted in November 2002 for Crime Scene Technicians. She noted they received 5% and titles were changed from ID Technicians to Crime Scene Technicians. Also, she gave an overview on how surveys are conducted every other year on positions.

Mayor Bell made comments on sharing the \$1.6 million surplus with City employees due to their hard work and dedication noting that he favored employees receiving a bonus, instead of a mid-year salary increase.

Several Council members spoke in support of this item.

MOTION by Council Member Clement seconded by Council Member Catotti to adopt an "Ordinance Amending the 2003-04 City of Durham Budget Ordinance, the Same Being Ordinance 12814"; and

To adopt a "Resolution Expressing Support for Developing a Long Term Plan to Address Compensation Issues for the Durham Police Department"; and

To adopt a "Resolution Expressing Support for Developing a Plan to Address Compensation Issues for the Durham Fire Department" was approved at 8:16 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council

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Members Best, Brown, Catotti and Clement. Noes: None. Excused Absence: Council Member Stith.

Ordinance #12908

Resolution #9075 - 9076

Note: Adoption of the ordinance approves pay increase as recommended by the Council Personnel Subcommittee.

Recommendation	FY 03-04
All non-sworn City employees will receive a 1% raise on 3/1/04 (in addition to 2% on 1/1/04)	\$ 370,686
All non-sworn City employees will receive a bonus	\$ 370,686
Sworn Police will receive 3% on 3/1/04 (in addition to the 2% on 1/1/04)	\$ 223,136
Sworn Fire will receive 3% on 3/1/04 (in addition to the 2% on 1/1/04)	\$ 129,528
Reserve Funds to Grant Carolina Theatre funds if needed at year end	\$ 46,385
Police Overtime: Fund partial request	\$ 400,000
Return balance to fund balance; Percent: 0.04	\$ 57,532
Total	\$1,597,953

[MEETING RECESSED UNTIL 8:22 PM]

[GENERAL BUSINESS AGENDA]

SUBJECT: BEER AND WINE PRIVILEGE LICENSES

Council Member Clement spoke in opposition to the number of alcohol permits being approved for areas that are fragile in the community and asked the City Attorney to provide information on the state regulation that limits the amount of alcohol sales vs. other retail sales in convenience stores.

MOTION by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to approve local beer and wine privilege licenses for the establishments listed was approved at 8:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown and Catotti. Noes: Council Member Clement. Excused Absence: Council Member Stith.

Status	Acct Name	Physical Address	Type
Renewal	Ankad Mini Mart	2929 Angier Ave	Convenience
Renewal	Another Thyme Restaurant & Bar	109 N Gregson St	Restaurant
New	Bali Hai	811 Ninth St, Space 170	Restaurant
Renewal	Buy Quick Food Mart	419 S Briggs Ave	Convenience
New	Café Verde	2200 W Main St, Ste 130B	Restaurant

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New	Camilla's Italian Restaurant	5110 N Roxboro Rd	Restaurant
Renewal	Chichos Restaurant	111 S Alston Ave	Restaurant
Renewal	China House	3808 G Guess Rd	Restaurant
Renewal	Community Store	106 S Guthrie Ave	Convenience
Renewal	Dales Indian Cuisine	811 Ninth St, Space 150	Restaurant
New	El Guanaco Restaurant	1002 1/2 E Geer St	Restaurant
New	Esposito's Italian Eatery LLC	4201 University Dr	Restaurant
New	Fishmonger's Seafood Market	806 W Main St	Restaurant
New	Fowler's	112 S Duke St	Restaurant
Renewal	Golden China	1515 N Pointe Dr, Ste 110	Restaurant
Renewal	Green Room	1108 Broad St	Club
New	Gregory's of Durham	1058 W Club Blvd, Ste 528	Restaurant
Renewal	Hampton Inn & Suites	6121 Farrington Rd	Restaurant
New	Handi Foods	518 E Trinity Ave	Convenience
Renewal	Jump Shot Billiards	3405 Hillsborough Rd	Club
New	Lakewood Amoco	218 Lakewood Dr	Convenience
Renewal	Last Chance	5830 Guess Rd	Club
New	M&M #4	801 N Mangum St	Convenience
Renewal	Massey's Grocery	4430 Fayetteville Rd	Convenience
Renewal	Mk's House of Jazz & R&B	118 W Main St	Club
Renewal	North Durham Citgo	4535 N Roxboro Rd	Convenience
New	North Durham Mobil	5100 Guess Rd	Convenience
New	Peek A Boo's	754 Ninth St	Restaurant
New	PF Chang's Bristro	6801 Fayetteville Rd	Restaurant
New	Phillips 66/Kicks	109 W NC Hwy 54	Convenience
New	Phillips 66/Kicks	3308 NC Hwy 55	Convenience
Renewal	Pizza Palace	2002 Hillsborough Rd	Restaurant
New	Playground and Grill	115 N Duke St	Restaurant
New	Pops	810 W Peabody St	Restaurant
New	Pueblo Express Coffee Shop	2721 Guess Rd	Restaurant
Renewal	Randy and Bullys Pizza	1102 Broad St	Restaurant
New	Restaurant Los Amigos	2016 Guess Rd	Restaurant
New	Rockfish Seafood	8030 Renaissance Pkwy	Restaurant
Renewal	Sal's Pizza	1821 Hillandale Rd, Ste 9	Restaurant
Renewal	Shop N Go Food Mart	4640 Hillsborough Rd	Convenience
Renewal	Spartacus of Durham	4139 Chapel Hill Blvd	Restaurant
New	Sunshine Amoco	601 W Chapel Hill St	Convenience
Renewal	Tandoor Indian Restaurant	5410 Hwy 55	Restaurant
New	Tienda Salvadorena Kimberly	3117 A Guess Rd	Restaurant
New	Tsunami Sushi & Noodles	6118B Farrington Rd	Restaurant
Renewal	Veterans Social Club	220 Chandler Rd	Restaurant

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[GENERAL BUSINESS AGENDA - PUBLIC HEARINGS]

SUBJECT: MAJOR SPECIAL USE PERMIT – NCCU TURNER LAW SCHOOL ADDITION (M03-05)

To hold a quasi-judicial public hearing to consider a Major Special Use Permit for the addition of the Turner Law School of NCCU in the R-3 and R-5 Districts, and

To direct the Planning Director to prepare an order for adoption, for 1) approval, 2) approval with conditions or 3) denial, or to continue the hearing to a specified later meeting. (A draft order for approval with staff-recommended conditions will be available at the meeting).

City Clerk D. Ann Gray swore in the following individuals: Frank Duke, Michael Stock, Jonathan Parson, Jay Smith, Timothy Brown and Dwayne Johnson.

Mayor Bell explained the proceedings for a major special use permit hearing.

The Mayor asked Council to reveal any possible conflicts and to withdraw from this hearing if necessary. Also, Mayor Bell asked if any Council Member had been exposed to any evidence or information that may not come out at the hearing tonight.

Mayor Bell opened the public hearing.

Testimony from Staff

Michael Stock, of the City/County Planning Department, briefed Council on the staff report requesting that the staff report and all attachments and exhibits be entered as a part of the permanent record. He noted in the matter of Case M03-05, O'Brien Atkins Associates, PA, on behalf of North Carolina Central University, proposes an addition to the Turner Law School building, located on the northwest corner of Cecil Street and Alston Avenue, with access via a private drive off the intersection of Nelson Street and Cecil Street. He stated this is the SE section of the NCCU campus and the proposed addition, located on the north side of the existing building, will be 22,523 square feet and 28 feet high, additional library space, classrooms and offices, along with an auditorium and mock courtroom will be housed by the proposed addition. Also, he stated parking required for this proposal has been deemed appropriate by the Development Review Board (DRB) and they recommended approval of the site plan on October 31, 2003. Finally, he noted as a reminder, Council must make findings of fact under Section 13.2.3 of the Durham Zoning Ordinance, that the proposed use is: 1) In harmony with the area and not substantially injurious to the value of properties in the general vicinity; 2) In conformance with all special requirements applicable to the use and in conformance with the Supplementary Requirements Section of this Ordinance; (which is not applicable in this case); and 3) Will not adversely affect the health or safety of the public. Council shall also give consideration to items 1-10 under section 13.2.4 as indicated in the staff report. Additionally, Council may impose conditions on the permit request that the Council deems necessary to ensure that this project is compatible and in harmony with the surrounding

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neighborhood. Staff will provide a recommendation to the Council at the conclusion of testimony for this case.

The Mayor asked Council if there were questions for staff. There were no questions.

Testimony from Applicant

Jay Smith, of O'Brien Atkins & Associates, noted he was present to answer questions concerning Major Special Use Permit.

The Mayor asked if there were questions for the applicant. There were no questions.

There were no opponents speaking in opposition to this Major Special Use Permit.

Staff Recommendation

City/County Planning Director Frank Duke noted the expansion of the Turner Law Library is an extension of the existing facility on the campus of NCCU and therefore is not an extension of facility out in the community. He noted based upon the technical requirements of the Durham Zoning Ordinance, staff recommends approval subject to the following condition that the project shall be completed in accordance with the site plan, including any additional corrections and verifications. Mr. Duke provided Council with an order.

Mayor Bell declared the public hearing closed.

City Attorney Blinder noted the staff report is submitted into evidence.

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Clement to adopt an order granting upon certain conditions, a Major Special Use Permit for North Carolina Central University (NCCU) – Turner Law School addition Case M03-05 was approved at 8:33 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti and Clement. Noes: None. Excused Absence: Council Member Stith.

Ordinance #12909

SUBJECT: MAJOR SITE PLAN – NCCU TURNER LAW SCHOOL ADDITION (D03-299)

MOTION by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to approve a site plan for a proposed three-story (including basement) 22,523 square foot high addition to the north side of the existing three-story, 88,500 square foot, Turner Law School building, with relocation of 68 motor vehicle parking spaces, reconfiguration of a portion of the remaining 83 spaces and addition of 9 new bicycle parking spaces, on an 8.78 acre site, zoned R-3 and R-5 was approved at 8:34 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council

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Members Best, Brown, Catotti and Clement. Noes: None. Excused Absence: Council Member Stith.

SUBJECT: VOLUNTARY ANNEXATION PETITIONS RECEIVED PRIOR TO OCTOBER 1, 2003

a) Cardinal Self-Storage (FY2004-#06) - Redwood Volunteer Fire Department

Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor declared the public hearing closed.

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Best to receive citizens' comments concerning the annexation of the Voluntary Annexation Area; and

To adopt "An Ordinance Annexing to the City of Durham" the Voluntary Annexation Area in accordance with N.C. General Statutes 160A-58 effective June 30, 2004; and

To authorize the City Manager to pay the debt service of the Redwood Volunteer Fire Department (VFD) in connection with the Cardinal Self-Storage annexation was approved at 8:34 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti and Clement. Noes: None. Excused Absence: Council Member Stith.

Ordinance #12910

b) Wanderlust Property (FY2004-#11) - Lebanon Volunteer Fire Department

Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor declared the public hearing closed.

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Best to receive citizens' comments concerning the annexation of the Voluntary Annexation Area; and

To adopt "An Ordinance Annexing to the City of Durham" the Voluntary Annexation Area in accordance with N.C. General Statutes 160A-58 effective June 30, 2004; and

To authorize the City Manager to pay the debt service of the Lebanon Volunteer Fire Department (VFD) in connection with the Wanderlust Property annexation was approved at 8:34 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti and Clement. Noes: None. Excused Absence: Council Member Stith.

Ordinance #12911

c) Trenton Road Properties (FY2004-#13) - Parkwood Volunteer Fire Department

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Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor declared the public hearing closed.

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Best to receive citizens' comments concerning the annexation of the Voluntary Annexation Area; and

To adopt "An Ordinance Annexing to the City of Durham" the Voluntary Annexation Area in accordance with N.C. General Statutes 160A-58 effective June 30, 2004; and

To authorize the City Manager to pay the debt service of the Parkwood Volunteer Fire Department (VFD) in connection with the Trenton Road Properties annexation was approved at 8:34 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti and Clement. Noes: None. Excused Absence: Council Member Stith.

Ordinance #12912

Mayor Bell asked to be excused from the January 22, 2004 City Council Work Session since he will be attending the US Conference of Mayors meeting in Washington, DC.

MOTION by Council Member Clement seconded by Council Member Catotti to excuse Mayor Bell from the January 22, 2004 City Council Work Session was approved at 8:36 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti and Clement. Noes: None. Excused Absence: Council Member Stith.

There being no further business to come before the City Council, the meeting was adjourned at 8:38 p.m.

Linda E. Bratcher
Deputy City Clerk

D. Ann Gray, CMC
City Clerk